

TARIQ JABRI  
IN PRO PER  
32 NEW ST  
EAST ORANGE, NJ 07017  
1-862-212-2888

CLERK  
U.S. DISTRICT COURT  
EAST ORANGE, NEW JERSEY

70 JUN 27 PM 2:30

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION T.K.  
ESSEX COUNTY

DOCKET NO:  
2:22-cv-07448 (JXN)(AME)  
CIVIL ACTION

TARIQ JABRI and  
FALON CHARLES-JABRI

PLAINTIFF'S

Vs

MARILYN GONZALEZ A/K/A  
BRANCH MANAGER FOR  
CAPITAL ONE BANK and  
CAPITAL ONE CHAIRMAN AND CEO  
RICHARD D. FAIRBANK

DEFENDANT/

COMPLAINT FOR VIOLATION OF THE CIVIL RIGHTS ACT OF 1964  
BY BRANCH MANAGER MARILYN GONZALEZ WHILE WORKING  
FOR CAPITAL ONE BANK C.E.O. RICHARD D. FAIRBANK

## **RESPONSE TO MOTION TO DISMISS**

PLAINTIFFS ARE responding to **Motion to Dismiss**.

Plaintiffs filed suit in the lower court. When the court and Defendants, failed to respond after FOUR months, Plaintiff requested a default. AFTER FOUR MONTHS, the court notified the Plaintiff that they needed to add the other Defendant to the Heading. The Defendant moved the case to Federal Court, after defaulting, to buy more time. Defendants were served. Richard D Fairbank, Capitol One Chairman One, responded by demoting and removing MARILYN GONZALEZ A/K/A from BRANCH MANAGER FOR CAPITAL ONE BANK. Irregular or not they were both served, as evidenced by the Demotion and Removing Marilyn Gonzalez from Branch Manager of Capitol One Bank, and serves as acceptance of service.

Plaintiffs have closed and transferred both Defendants from the lower court, and are now responding to **MOTION TO DISMISS**, in this Federal Court.

**NOW COMES THE** Plaintiff's, Tariq Jabri and Falon Charles Jabri, *Temporarily In Pro Per* and for its Complaint of the Civil Rights Violation and states as following in support:

### **JURISDICTIONAL FACTS**

1. That the Defendant(s) conducts business in the City of Newark in the State of New Jersey.

2. That the Plaintiff resides in the City of East Orange, in the State of New Jersey.
3. That all transactions and occurrences alleged in the instant Complaint occurred in the City of Newark, in the State of New Jersey.
4. That the amount in controversy is over \$50,000.00 making Jurisdiction proper in this Honorable Court.
5. That the venue is proper in this Honorable Court because the Plaintiff resides in the City of East Orange, in the State of New Jersey.

### **COMMON ALLEGATIONS**

6. That Plaintiff's decided to open another account at Capital One Bank for the Non Profit business, 501 C3 Company . So on Monday August 8, 2022, Plaintiff's Tariq Jabri and Falon Charles Jabri, visited the Capital One Bank at 537 Market St, Newark, NJ 07105 for their scheduled appointment Number L9A37U6XCHCMCZFZ to facilitate the opening of two Business Accounts at that branch.
7. On arrival, the above-named parties sat in the lobby of the bank awaiting the banker for the appointment, The Branch Ambassador Fabio Costa was assigned to open the account.
8. Both potential account holders Tariq Jabri and Falon Charles Jabri sat in the lobby with the Branch Ambassador Fabio Costa while he perused the documents presented, Mr. Costa then sought the advice of the Branch Manager Marilyn Gonzalez who asked about the nature of the business that will be conducted by Plaintiff Jabri's Trading Company. The Manager further questioned if the company would conduct import and export business for car parts to which a reply was given. As a trading company dealing in logistics, if there is a need for a particular item,

the company will source and ship same if there is a need. The Branch Manager Marilyn Gonzalez indicated she cannot open that account loud in the lobby in front of everyone, it was ugly also embarrassing and would fall under a vexed act by a bank employee.

9. The documents for Growing Needs Foundation were then presented and the Branch Ambassador was instructed to check the validity of the documents, in a loud tone, [In the Lobby] Marilyn Gonzalez then stated Capital One could not open the account. At that point, Plaintiff, Falon Charles- Jabri stated that we were in possession of all the documentation required for new accounts and that the bank should check and edify themselves of what's required. The documents were then retrieved, and the bankers were informed that Plaintiff's business will be taken to another bank with a friendly attitude with this type of funds transaction.

10. That around 4:10 pm on Monday 8<sup>th</sup> August, 2022, That Plaintiff, Tariq Jabri and Falon Charles-Jabri returned to Capital One Bank at 537 Market St, Newark, NJ 07105. After waiting, the Defendant, Manager Marilyn Gonzalez approached. . Plaintiff, Tariq Jabri requested formal documentation of why both accounts could not be opened. Defendant, Manager Marilyn Gonzalez then looked through the documents and was adamant that the documents presented for Growing Needs Foundation was insufficient for opening a new account. Plaintiff, Tariq Jabri then requested the contact information for the Defendant, Branch Ambassador and Branch Manager Marilyn Gonzalez.

No more words were exchanged and Plaintiff's then existed the bank with nothing being accomplished based on the documents presented which were for the first company that was opened at this bank, Capital One Bank.

Jabri's Trading Company LLC

IRS- Documents with EIN Number

Certificate of Amendment

Short Form Standing

Documents for the second company:

Growing Needs Foundation

IRS- Documents with EIN Number

Certificate of Incorporation (Non –Profit)

Short Form Standing

## **COUNT I VIOLATION OF THE 1964 CIVIL RIGHTS ACT**

7. That after walking into Capital One Bank to transact a large business transaction because Plaintiff's was pressed for time and only needed to be assisted by a bank officer, Plaintiffs: Tariq Jabri also Falon Charles Jabri was asked in the lobby by first, Ambassador, Fabia Costa what can I do for you today. Plaintiff's then stated to have some business to transact and can you assist in that area Plaintiff has and account here and want to do more business here Sir. No one said come to my office for review and/or assist. No one gave a professional greeting, No one stated Sir you are a present customer, I can help, come to my office and get started.

**WHEREFORE,** Plaintiff requests upon this Honorable Court to enter Judgment in favor of the Plaintiff and against the Defendants, in the amount of \$1,500,000.00 plus costs, interest and legal fees.

## **COUNT II**

### **CAPITAL ONE BANK – CAUSING A COMMERCIAL INJURY OVER \$100,000.00 BASED ON THE BIAS SERVICING PRACTICE.**

8. Plaintiff incorporates by reference allegations contained in paragraphs 1-7 as fully stated herein.

9. Plaintiff's Tariq Jabri and Falon Charles Jabri has the invoice to the transaction and lose of funds on that day due to poor service then no service for causing what should have been a one hour transaction with the bank.

10. The, JABRI'S TRADING COMPANY LLC, address is P.O. Box 425 Montclair, NJ 07042, with a phone number of (862) 272- 2853 in good standing and just needed a good bank's assistance to live, that did not happen on –Monday- August 8, 2022 at 4:10PM, and caused Plaintiff's to be the injured party based on the banks failure to assist one of its own customers. The invoice is, attached hereto as Exhibit A.

**WHEREFORE**, Plaintiff requests upon this Honorable Court to enter Judgment in favor of the Plaintiff and against the Defendant, in the amount of \$1,500,000.00 plus costs, interest and legal fees.

### **CASE LAW IN SUPPORT**

The Civil Rights Act of 1964 (Pub. L.88-352,72,1964) is a landmark civil rights and labor law that outlaws discrimination based on race ,color , national origin. It prohibits unequal application requirements, Racial segregation in schools and accommodations, and employment discrimination.

### **CONCLUSION AND RELIEF SOUGHT**

**WHEREFORE**, Plaintiff's requests upon this Honorable Court to enter Judgment in favor of the Plaintiff's and against the Defendants, in the amount of \$1,500,000.00 plus costs, interest and legal fees.

Date: 1/27/23

TARIQ KIMUTIMA Charles JABRI

PLAINTIFF' IN PRO SE

TARIQ JABRI- and  
FALON CHARLES JABRI